

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER R5-2010-0704
FOR
NELLA OIL COMPANY, LLC
SUKHWINDER BASSI
FOR
FORMER NELLA OIL COMPANY STATION #2
(AKA EXXON / AR, AND YUBA CITY CHEVRON)
728 COLUSA AVENUE, YUBA CITY, SUTTER COUNTY

This Order is issued to Nella Oil Company, LLC and Sukhwinder Bassi of Yuba City Chevron (hereafter collectively referred to as “Dischargers”) based on provisions of California Water Code section 13304 and Health and Safety Code section 25296.10, which authorize the California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board or Board) to issue a Cleanup and Abatement Order (Order), and California Water Code section 13267, which authorizes the Central Valley Water Board to require the preparation and submittal of technical and monitoring reports.

The Executive Officer finds the following:

PROPERTY OWNERSHIP AND OPERATIONS

1. Sutter County records show that Nella Oil Company, LLC (Nella) owned the property at 728 Colusa Avenue (the “Site”, Sutter County assessor parcel number 52-151-012) in July 1991 when the unauthorized release of petroleum hydrocarbon constituents was discovered beneath the Site. Nella owned and operated the fueling system and underground storage tanks (USTs) at the time of the unauthorized release of petroleum constituents. County records show that Sukhwinder Bassi is the current property owner, having purchased the property from Nella in 2003.
2. Nella is named as a Discharger because it owned and operated the UST system during the time petroleum constituents were discharged/released.
3. County records show Amarjit and Rashpal Dosanjh purchased the property from Nella in 1991. Subsequently, the property was reconveyed back to Nella in 1996 during foreclosure. Nella owned the property until 2003, when Sukhwinder Bassi purchased the property. Amarjit and Rashpal Dosanjh are not named as Dischargers because they did not contribute to the release and do not currently own the property.
4. Sukhwinder Bassi is named as a Discharger under California Code of Regulations title 23, section 2720, which defines a Responsible party as “...one or more of the following...any owner of a property where an unauthorized release of a hazardous substance from an underground storage tank has occurred...”
5. At the time of this Order, Nella has taken the lead on the Site investigation and cleanup.

6. Although Sukhwinder Bassi is named as a Discharger in this Order, the Central Valley Water Board names him secondarily liable for the cleanup. Under State Water Board precedent, because Sukhwinder Bassi did not cause or permit the activity that led to the initial discharge into the environment, because there is a primarily responsible party that is performing the cleanup, and because Sukhwinder Bassi has allowed access for the site investigation and cleanup, Sukhwinder Bassi is named secondarily liable. If access is denied for the investigation and/or remediation, if evidence is discovered that change's the Central Valley Water Board's evaluation of Sukhwinder Bassi's responsibility for the contamination, or if Nella does not comply with this Order, then Sukhwinder Bassi may be placed in a position of primary liability.

BACKGROUND

7. On 11 July 1991, prior to a property transfer, a subsurface investigation found evidence that an unauthorized release of petroleum hydrocarbons had occurred at the Site. Maximum soil concentrations were total petroleum hydrocarbons as gasoline (TPHg), 200 milligrams per kilogram (mg/kg); benzene, 81 micrograms per kilogram (ug/kg); toluene, 240 ug/kg; ethylbenzene, 230 ug/kg; and xylenes, 2,800 ug/kg.
8. In January 1996, three groundwater monitoring wells (MW-1 through MW-3) were installed. The maximum groundwater monitoring concentrations during the first quarter 1996 were TPHg, 29,800 micrograms per Liter (ug/L); total petroleum hydrocarbons as diesel (TPHd), 26,100 ug/L; benzene, 275 ug/L; toluene, 44 ug/L; ethylbenzene, 810 ug/L; and xylenes, 2,730 ug/L.
9. From December 1998 to January 1999, five additional monitoring wells (MW-4, MW-5, nested MW-6.1 and MW-6.2, and MW-7) and one groundwater extraction well (PTW-1) were installed. A January 1999 aquifer pump test, using MW-4, sustained a rate of 6 to 9 gallons per minute with little drawdown in the pumping well. Maximum January 1999 groundwater monitoring concentrations were TPHg, 22,000 ug/L; TPHd, 5.4 ug/L; benzene, 380 ug/L; toluene, 3,000 ug/L; ethylbenzene, 1,400 ug/L; xylenes, 6,000 ug/L; and methyl tert-butyl ether (MTBE), 2,000 ug/L. In June 2004, four additional monitoring wells (MW-8 through MW-11) were installed. Liquid phase hydrocarbons (free product) were first discovered in MW-11 in January 2004. Free product has been removed periodically by hand bailing through 2010.
10. In February 2006, a dual phase extraction (DPE) pilot study for soil vapor and groundwater was conducted. Although DPE was deemed successful and a corrective action plan was submitted in July 2007 and approved, DPE was not implemented. A March 2010 pilot study work plan was approved to inject sodium persulfate into the source area of the groundwater plume. The submitted notice of intent for injection permit R5-2008-0149 was deemed complete in June 2010. Central Valley Water Board staff also approved a work plan for installation of additional off-site monitoring wells in June 2010.
11. Nella has been aware of the release and has been in the process of investigating the extent of petroleum hydrocarbon constituents in soil and groundwater originating from the Site for more than 19 years, and the downgradient extent still is not defined. With

the exception of periodic free product bailing, active remediation has not been conducted to date.

12. The table below shows the maximum dissolved concentrations of petroleum constituents reported in groundwater during the latest (third quarter 2010) monitoring event and the water quality objectives (WQOs) for those constituents.

Constituent	Maximum Concentration (µg/L)	Water Quality Objectives (µg/L)
TPH as gasoline (TPHg)	41,000	21 ¹
Benzene	1,800	1 ²
Ethylbenzene	2,400	300 ²
Toluene	170	150 ²
Xylenes	7,000	1750 ²
Methyl Tertiary Butyl Ether (MTBE)	14,000	13 ²
Tert-Butyl Alcohol (TBA)	15,000	12 ³

1 - USEPA Superfund Provisional Cancer Slope Factor Water Action Level 2 - California Primary MCL 3 - California DHS Drinking Water Action Level

The periodic presence of liquid phase hydrocarbons constitute “waste” as defined in California Water Code section 13050. Petroleum constituent concentrations have not decreased with time, and they remain well above established WQOs and extend an unknown distance downgradient from the Site.

13. As shown during the third quarter 2010 groundwater sampling event, monitoring wells both on- and off-site continue to be polluted with petroleum hydrocarbons far above WQOs. Because the groundwater plume extends beyond the property boundary in concentrations above WQOs, additional investigation and cleanup are needed to protect water quality and human health by limiting exposure to the release from the former USTs. The third quarter 2010 monitoring results in ug/L are shown in the following table.

Well	TPHg	Benzene	Toluene	Ethylbenzene	Xylenes	MTBE	TBA
MW-11 (onsite)	41,000	1,800	170	2,400	7,000	14,000	810
MW-12 (on-site)	3,500	6.8	<0.5	20	2.2	390	140
MW-13 (on-site)	2,600	16	0.53	30	14	210	15
MW-3 (on-site)	780	<0.5	<0.5	<0.5	<0.5	<0.5	<5
MW-4 (on-site)	110	<0.5	<0.5	<0.5	<0.5	12	<5
MW-6A (110 ft off-site)	11,000	45	33	190	630	1,000	330
MW-1 (160 ft off-site)	2,100	<0.5	<0.5	<0.5	<0.5	8.4	73
MW-5 (200 ft off-site)	7,100	26	<0.5	24	44	6,900	15,000
MW-2 (240 ft off-site)	2,200	25	<5	<5	<5	3	14,000
MW-7 (260 ft off-site)	1,700	5.8	39	46	100	920	520
MW-10 (390 ft off-site)	8,200	<1.5	35	300	86	5.7	<7
Well	TPHg	Benzene	Toluene	Ethylbenzene	Xylenes	MTBE	TBA

MW-9 (420 ft off-site)	1,000	5.3	<4	<4	<4	61	6,800
MW-8 (450 ft off-site)	5,200	260	38	26	10	420	29

Off-site distances measured from approximate location of underground storage tanks

14. A 1999 sensitive receptor survey revealed that three domestic and one municipal supply wells, and no surface water bodies are within 2,000 feet of the Site. The nearest domestic well (671 Colusa Avenue) is one block upgradient from the Site.
15. Through July 2008, Nella has been reimbursed about \$450,000 by the UST Cleanup Fund for investigation activities at the Site and still has approximately one million dollars of eligibility remaining.

AUTHORITY – LEGAL REQUIREMENTS

16. The Central Valley Water Board derives its authority to issue and enforce the legal requirements of this Order from California Law, Regulations, Policies, and Plans included in Attachment A and made part of this Order.
17. The constituents listed in Findings No. 7 through 9 and 12 and 13 are wastes as defined in California Water Code section 13050(d). The groundwater exceeds the WQOs for the constituents listed in Finding No. 12. Exceeding applicable WQOs in the Basin Plan constitutes pollution as defined in California Water Code section 13050(l)(1).

DISCHARGER LIABILITY

18. As described in Findings Nos. 1 through 14, the Dischargers are subject to an order pursuant to California Water Code section 13304 because the Dischargers have caused or permitted waste to be discharged or deposited where it has discharged to waters of the state and has created, and continues to threaten to create, a condition of pollution or nuisance. The condition of pollution is a priority violation and issuance or adoption of a cleanup and abatement order pursuant to California Water Code section 13304 and Health and Safety Code section 25296.10 is appropriate and consistent with policies of the Central Valley Water Board
19. This Order requires investigation and cleanup of the Site in compliance with the California Water Code, the applicable Basin Plan, State Water Resources Control Board (State Water Board) Resolution No. 92-49, and other applicable Central Valley Water Board plans, policies, and regulations.
20. As described in Findings 1 through 6, the Dischargers are subject to an order pursuant to California Water Code section 13267 to submit technical reports because existing data and information about the Site indicate that waste has been discharged, is discharging, or is suspected of discharging, at the property, which is or was owned and/or operated by the Dischargers named in this Order. The technical reports required by this Order are necessary to assure compliance with California Water Code section 13304 and Health and Safety Code section 25296.10, including to adequately investigate and clean up the Site to protect the beneficial uses of waters of

the state, to protect against nuisance, and to protect human health and the environment.

21. Issuance of this Order mandates further investigation (soil vapor testing) and will compel the Dischargers to implement a cleanup work plan that was initially approved by the Board in 2007. The Site is currently an operating fuel station that is situated above contaminated soil and groundwater, and extraction wells have already been installed. After reviewing and considering evidence in the Board's files regarding the existing environmental conditions at the Site, the Board can conclude that there is no possibility that issuance of this Order will have a significant effect on the environment, and therefore, issuance of the Order is not subject to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15061(b)(3).

REQUIRED ACTIONS

IT IS HEREBY ORDERED that, pursuant to California Water Code sections 13304 and 13267, and Health and Safety Code section 25296.10, Nella shall:

1. Investigate the discharges of waste, clean up the waste, and abate the effects of the waste, forthwith, resulting from activities at the Former Nella Oil Company Station #2 at 728 Colusa Avenue, Yuba City, Sutter County in conformance with State Water Board Resolution No. 92-49 *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304* and with the Central Valley Water Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* (in particular the Policies and Plans listed within the Control Action Considerations portion of Chapter IV). "Forthwith" means as soon as is reasonably possible. Compliance with this requirement shall include, but not be limited to, completing the tasks listed below.
2. All work and reports shall follow the *Appendix A - Reports, Tri-Regional Recommendations for Preliminary Investigation and Evaluation of Underground Storage Tank Sites* (Appendix A - Reports), which is attached and made a part of this Order, and shall be conducted under permits required by State, County, and/or Local agencies. Reports for investigation, remediation, risk assessment, public participation, and groundwater monitoring shall be submitted according to the schedule listed below in Order No. 4.
3. The Dischargers are required to submit the following technical reports prepared in accordance with Appendix A - Reports by the dates listed below.

Required Report/Task	Due Date
Site Investigation Report	28 February 2011
Pilot Study Report	30 April 2011
Corrective Action Plan	30 June 2011

GENERAL REQUIREMENTS

The General Requirements are included in Attachment A of this Order.

IT IS HEREBY ORDERED that, pursuant to California Water Code sections 13304 and 13267, and Health and Safety Code section 25296.10, Sukhwinder Bassi, as a secondarily responsible party, shall:

1. Within 60 days of the Board's determination and actual notice to Sukhwinder Bassi that Nella has failed to comply with the terms of this Order and has failed to obtain a time extension, Sukhwinder Bassi shall perform the remaining obligations under this Order in place of Nella. The notice provided to the Sukhwinder Bassi shall specify the outstanding obligations that the Sukhwinder Bassi will be obligated to perform, and shall provide new compliance deadlines that will provide the Sukhwinder Bassi a reasonable amount of time to complete the remaining obligations. Board staff shall determine new deadlines on a case-by-case basis, depending upon the nature of the remaining obligations, the degree to which performance has already occurred, the need for any corrections to work already performed, and other relevant and appropriate factors. In no event shall a deadline be less than 60 days from the time notice is provided to the Sukhwinder Bassi.
2. The transfer of the remaining obligations to Sukhwinder Bassi would not relieve Nella of its obligations to comply with this Order, nor does it limit the ability of the Central Valley Water Board to take any legally-authorized enforcement action against Nella. As to Nella, the existing compliance deadlines in the Order, not any new compliance deadlines provided to Sukhwinder Bassi, shall be the deadlines used to determine Nella's compliance with this Order. As to Sukhwinder Bassi, the newly-provided deadlines shall be used to determine compliance with this Order.

If any Dischargers are unable to perform any activity or submit any document in compliance with the schedule set forth herein, set forth in a subsequent directive to a secondarily liable party, or in compliance with any work schedule submitted pursuant to this Order, the Dischargers may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as the situation is recognized and no later than the compliance date. An extension may be granted by revision of this Order or by a letter from the Executive Officer.

If, in the opinion of the Executive Officer, the Dischargers fail to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement or may issue a complaint for administrative civil liability. Failure to comply with this Order may result in the assessment of an Administrative Civil Liability of up to \$10,000 per violation per day pursuant to the California Water Code sections 13268 and/or 13350. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with CWC section 13320 and

California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at

http://www.waterboards.ca.gov/public_notices/petitions/water_quality,
or they will be provided upon request.

This Order is effective upon the date of signature.

PAMELA C. CREEDON
Executive Officer

(Date)

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ATTACHMENT A
AUTHORITY – LEGAL REQUIREMENTS
and
GENERAL REQUIREMENTS

AUTHORITY – LEGAL REQUIREMENTS

The following laws and regulations authorize the Central Valley Regional Water Quality Control Board (Central Valley Water Board) to issue Cleanup and Abatement Orders (CAOs) to persons who have participated in actions that have led to actual or threatened water contamination.

- I. Legal Authority over Responsible Parties/Dischargers: These laws and regulations give the Central Valley Water Board the legal authority to hold persons named in the accompanying Order responsible for cleanup activities.
 1. Section 13304(a) of the California Water Code states, in relevant part, that:

Any person who has discharged or discharges waste into waters of the state in violation of any waste discharge requirements or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including but not limited to, overseeing cleanup and abatement efforts.
 2. Section 13050(d) of the California Water Code defines “waste” to include:

... sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.

3. Sections 13050(l) and 13050(m) define “pollution” and “nuisance,” respectively, as follows:
 - (1) “Pollution” means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following:
 - (A) The waters for beneficial uses.
 - (B) Facilities which serve these beneficial uses.
 - (2) “Pollution” may include “contamination.”

“Nuisance” means anything which meets all of the following requirements:

 - (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
 - (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
 - (3) Occurs during, or as a result of, the treatment or disposal of wastes.
4. California Code of Regulations, title 23, section 2720, defines who is a “responsible party”¹ for the purposes of cleaning up contamination resulting from a leaking underground storage tank. This section states, in relevant part:

“Responsible party” means one or more of the following:

 - (1) Any person who owns or operates an underground storage tank used for the storage of any hazardous substance;
 - (2) In the case of any underground storage tank no longer in use, any person who owned or operated the underground storage tank immediately before the discontinuation of its use;
 - (3) Any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred; and
 - (4) Any person who had or has control over a underground storage tank at the time of or following an unauthorized release of a hazardous substance.
5. California Code of Regulations, title 23, section 2720, specifies that Responsible Parties shall comply with all California Water Code provisions and any Orders issued by a regional water board when an unauthorized release from an underground storage tank has occurred.

II. Legal Authority to Require Cleanup Activities/Corrective Actions: These laws and regulations describe the actions that may be required of persons named in Cleanup and Abatement Orders.

1. **General Cleanup Activities**

- i. Section 13304(a) of the California Water Code states, in relevant part, that:

¹ For the purposes of a cleanup at a site contaminated by a leaking underground storage tank, Responsible Parties may also be referred to as Dischargers.

[Responsible parties] shall upon order of the regional board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including but not limited to, overseeing cleanup and abatement efforts.

ii. Section 25296.10(a) of the Health and Safety Code provides that:

Each owner, operator, or other responsible party shall take corrective action in response to an unauthorized release in compliance with this chapter and the regulations adopted pursuant to Section 25299.3.

2. **Replacement Water:** The Central Valley Water Board may require responsible parties to provide replacement water to others who have had their water supplies affected by pollutants.

i. Section 13304(a) of the California Water Code states, in relevant part, that:

A cleanup and abatement order issued by the state board or a regional board may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner.

ii. Section 13304(f) of the California Water Code states that:

Replacement water provided pursuant to subdivision (a) shall meet all applicable federal, state and local drinking water standards and shall have comparable quality to that pumped by the public water system or private well owner prior to the discharge of waste.

III. Legal Authority for Cost Reimbursement: The Central Valley Water Board has the legal right to require responsible parties to pay for cleanup actions undertaken by the state and to require payment of oversight costs pursuant to California Water Code section 13304(c)(1), which states that:

If waste is cleaned up or the effects of the waste are abated, or, in the case of threatened pollution or nuisance, other necessary remedial action is taken by any government agency, the person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of the waste within the meaning of subdivision (a), are liable to that government agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial actions.

IV. Legal Authority to Require the Submittal of Technical Reports: The Central Valley Water Board has broad authority to require responsible parties to submit technical reports, which may include workplans, the analytical results of investigation activities, and the site history for contaminated properties.

1. Section 13267(a) of the California Water Code states, in relevant part, that:

A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any

plan or requirement authorized by this division, may investigate the quality of any waters of the state within its region.

2. Section 13267(b)(1) of the California Water Code states that:

In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

3. Section 25296.10(c)(1) of the Health and Safety Code provides that:

...the owner, operator, or other responsible party shall prepare a work plan that details the corrective action the owner, operator, or other responsible party shall take to comply with the requirements of subdivisions (a) and (b) and the corrective action regulations adopted pursuant to Section 25299.3.

These code sections allow the Central Valley Water Board to impose the obligation to submit technical reports on responsible parties. In the main body of the Cleanup and Abatement Order, you can find the reasons why the Central Valley Water Board is requiring you to submit these reports, as well as a justification for requiring the reports that balances the need for the reports against the burden placed upon you for submitting the reports. If the Cleanup and Abatement Order involves the cleanup of toxic substances, including carcinogenic substances, then the need for these reports usually is very high.

V. GeoTracker: GeoTracker is a database that contains information about cleanup sites throughout the State. Under California Code of Regulations (CCR), title 23, sections 3890-3895, responsible parties must submit electronic laboratory analytical data (i.e., soil, soil gas, or water chemical analysis) and locational data (i.e., location and elevation of groundwater monitoring wells), to the State GeoTracker database. The regulations and other background information are available at <http://geotracker.waterboards.ca.gov>.

VI. Basin Plan: The Water Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, 4th Edition* (hereafter Basin Plan) designates beneficial uses of the waters of the State, establishes water quality objectives (WQOs) to protect these uses, and establishes implementation policies to implement WQOs. The beneficial uses of the groundwater beneath sites governed by this attachment are domestic, municipal, industrial, and agricultural supply.

VII. Policies: The following policies contain provisions that must be adhered to by responsible parties conducting cleanup activities.

1. The State Water Resources Control Board (hereafter State Board) has adopted Resolution No. 92-49, the *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304*. This Policy sets forth the policies and procedures to be used during an investigation or cleanup of a polluted site and requires that cleanup levels be consistent with State Board Resolution 68-16, the *Statement of Policy With Respect to Maintaining High Quality of Waters in California*. Resolution 92-49 and the Water Board's Water Quality Control Plan for the Sacramento and San Joaquin River Basins (4th Ed) (Basin Plan) establish the cleanup levels to be achieved. Resolution 92-49 requires the waste to be cleaned up to background, or if that is not reasonable, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with California Code of Regulations, title 23, section 2550.4. Any alternative cleanup level to background must (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Board.
2. Chapter IV of the Basin Plan contains the *Policy for Investigation and Cleanup of Contaminated Sites*, which describes the Central Valley Water Board's policy for managing contaminated sites. This Policy is based on Water Code Sections 13000 and 13304, the Title 27 CCR, Division 2, Subdivision 1 regulations, and State Water Board Resolution Nos. 68-16 and 92-49. The Policy includes site investigation, source removal or containment, information required to be submitted for consideration in establishing cleanup levels, and the bases for establishment of soil and groundwater cleanup levels.
3. The State Board adopted the *Water Quality Enforcement Policy*, which states in part: "*At a minimum, cleanup levels must be sufficiently stringent to fully support beneficial uses, unless the RWQCB allows a containment zone. In the interim, and if restoration of background water quality cannot be achieved, the CAO should require the discharger(s) to abate the effects of the discharge. Abatement activities may include the provision of alternate water supplies.*" (*Enforcement Policy, p. 14.*)

VIII. Specific Constituents of Concern: The following provisions are applicable to all cleanups involving the spill of gasoline constituents.

1. The wastes detected at the site are not naturally occurring, and some, one of which is benzene, are known human carcinogens. Pollution of groundwater with these wastes impairs or threatens to impair the beneficial uses of the groundwater.

2. Water Quality Objectives (WQOs) listed in the Basin Plan include numeric WQOs, e.g., state drinking water maximum contaminant levels (MCLs), and narrative WQOs, including the narrative toxicity objective and the narrative tastes and odors objective for surface and groundwater. Chapter IV of the Basin Plan contains the *Policy for Application of Water Quality Objectives*, which provides that “[w]here compliance with narrative objectives is required (i.e., where the objectives are applicable to protect specified beneficial uses), the Central Valley Water Board will, on a case-by-case basis, adopt numerical limitations in orders which will implement the narrative objectives.” The numerical limits for the constituents of concern listed in the following table implement the Basin Plan WQOs.

Constituent	Limits	WQO	Reference
Total Petroleum Hydrocarbons as Gasoline	21 µg/l	Health	USEPA Health Advisory
Benzene	1 µg/l	Toxicity	California Primary MCL,
Toluene	150 µg/l	MCL	California Primary MCL
Ethylbenzene	300 µg/l	MCL	California Primary MCL
Xylene	1750 µg/l	Taste and Odor	California Primary MCL
TBA	12 µg/l	Toxicity	California DHS Action Level
MTBE	13 µg/l	Taste and Odor	California Primary MCL

ug/L= micrograms per liter

GENERAL REQUIREMENTS

The following requirements are applicable for all sites in which the Central Valley Water Board issues Cleanup and Abatement Orders addressing the cleanup of gasoline constituents. If a Responsible Party subject to a Cleanup and Abatement Order fails to comply with the provisions of this Order, the Assistant Executive Officer may refer this matter to the Attorney General for judicial enforcement and/or may issue a complaint imposing administrative civil liability.

1. As required by the California Business and Professions Code Sections 6735, 7835, and 7835.1, Responsible Parties must have appropriate reports prepared by, or under the supervision of, a registered professional engineer or geologist and signed, and where necessary stamped, by the registered professional. All technical reports submitted by the Responsible Parties shall include a cover letter signed by the responsible parties, or authorized representatives, certifying under penalty of law that the signer has examined and is familiar with the report and that to their knowledge, the report is true, complete, and accurate. The Responsible Parties shall also state if they agree with any recommendations or proposals and whether they approved implementation of said proposals.
2. Upon startup of any remediation system(s), Responsible Parties must operate the remediation system(s) continuously, except for periodic and required maintenance or

unpreventable equipment failure. The Responsible Parties shall notify the Central Valley Water Board within 24 hours of any unscheduled shutdown of the remediation system(s) that lasts longer than 48 hours. This notification shall include the cause of the shutdown and the corrective action taken (or proposed to be taken) to restart the system. Any interruptions in the operation of the remediation system(s), other than for maintenance, emergencies, or equipment failure, without prior approval from Central Valley Water Board staff or without notifying the Central Valley Water Board within the specified time is a violation of this Order. Within 7 working days of a shutdown, the Responsible Parties shall submit a Technical Report containing at a minimum, but not limited to the following information:

- Times and dates equipment were not working.
 - Cause of shutdown.
 - If not already restarted, a time schedule for restarting the equipment.
 - A Cleanup Assurance Plan to ensure that similar shutdowns do not reoccur. Proposed Cleanup Assurance Plans are to be completed within 30 days of the system shutdown.
3. Responsible Parties must notify Central Valley Water Board staff at least three working days prior to any onsite work, testing, or sampling that pertains to environmental remediation and investigation and is not routine monitoring, maintenance, or inspection.
 4. Responsible Parties must obtain all local and state permits and access agreements necessary to fulfill the requirements of this Order prior to beginning work.
 5. Responsible Parties must continue any remediation or monitoring activities until the Assistant Executive Officer determines that sufficient cleanup has been accomplished to fully comply with this Order and this Order has been either amended or rescinded in writing.
 6. Responsible Parties must optimize remedial systems as needed to improve system efficiency, operating time, and/or waste removal rates, and report on the effectiveness of the optimization in the quarterly reports.
 7. Responsible Parties must maintain a sufficient number of monitoring wells to completely define and encompass the waste plume(s). If groundwater monitoring indicates the waste in groundwater has migrated beyond laterally or vertically defined limits during the quarter, then the quarterly monitoring reports must include a work plan and schedule, with work to begin within thirty days of Central Valley Water Board staff approval, to define the new plume limits.
 8. Electronic copies of all reports and analytical results are to be submitted over the Internet to the State Water Board Geographic Environmental Information Management System database (GeoTracker) at <http://geotracker.waterboards.ca.gov>.

Electronic copies are due to GeoTracker concurrent with the corresponding hard copy deliver to this office. Electronic submittals shall comply with GeoTracker standards and procedures as specified on the State Board's web site. Responsible Parties must submit all laboratory data obtained after September 1, 2001 to GeoTracker database. Responsible Parties must also submit locational data obtained after January 1, 2002 for all groundwater monitoring wells (i.e., latitude, longitude, and elevation survey data), groundwater well information (e.g., depth to free product, monitoring well status), and a site map.

9. If the Responsible Parties are unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Executive Officer, the Responsible Parties may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as the situation is recognized and no later than the compliance date. An extension may be granted by revision of this Order or by a letter from the Executive Officer. Extension requests not approved in writing by the Executive Officer with reference to this Order are denied.
10. All work and directives referenced in this Order are required regardless of whether or not the UST Cleanup Fund approves the work for reimbursement.